

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEVIN A. WALKER,

Defendant Below-
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below-
Appellee.

§

§ No. 458, 2009

§

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§ Court Below—Superior Court

§ of the State of Delaware

§ in and for Kent County

§ Cr. ID No. 0712006575

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Submitted: April 8, 2010

Decided: April 9, 2010

ORDER

This 9th day of April 2010, it appears to the Court that, on March 24, 2010, the Clerk of the Court issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the appellant's failure to diligently prosecute his appeal by not filing his opening brief and appendix in this matter. After being served with the notice, the appellant has failed to respond within the required 10-day period. Therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs

Justice